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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Alfonso Martínez, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer: draft resolution

1997/... Human rights and scientific and technological developments

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific and technological progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the field of science and technology,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence or impairment of their physical, mental and psychological integrity,

Aware of the rapid development of the life sciences and technology and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific and technological progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993 and 1997/71 of 16 April 1997 of the Commission on Human Rights,

Referring to its decisions 1994/108 of 19 August 1994 and 1996/110 of 23 August 1996 regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Taking note of the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Taking note also of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is

intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics,

Convinced of the need to develop a life sciences ethic at the national and international levels,

Having examined the working document entitled "Potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual" (E/CN.4/Sub.2/1997/34) prepared by Mr. Osman El-Hajjé,

Considering the urgent need for a systematic analysis of the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual,

1. Recommends that the Commission on Human Rights authorize the Sub-Commission to appoint Mr. Osman El-Hajjé as Special Rapporteur to conduct a detailed study on the problem of the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, which would, inter alia, provide a detailed and updated account of the situation and a catalogue of existing national laws, policies and procedures concerning the prevention of the potentially adverse consequences of scientific and technological progress and its applications for the integrity, dignity and human rights of the individual, as well as to propose solutions to problems associated with the existing shortcomings;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, taking note of resolution 1997/... of .. August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities approves the appointment of Mr. Osman El-Hajjé as Special Rapporteur to conduct a detailed study of the problem of the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, and requests the Special Rapporteur to submit a preliminary report to the fiftieth session of the Sub-Commission. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to complete his study, and recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of decision 1998/... of .. April 1998 of the Commission on Human Rights, endorses the appointment of Mr. Osman El-Hajjé as Special Rapporteur to conduct a study on the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual and requests the Secretary-General to provide him with all the assistance necessary to enable him to complete his study.'"